# Remarks

In the present response, claims 1-5, 7, and 17-34 are presented for examination.

## Claim Rejections: 35 USC § 103(a)

Claims 1-5, 7, and 17-34 are rejected under 35 USC § 103(a) as being unpatentable over US publication number 2004/0233482 (Kuan) in view of USPN 5,818,612 (Segawa) and further in view of USPN 6,377,703 (Yeung).These rejections are traversed.

Claims 1-5, 7, and 17-34 recite one or more elements that are not taught or suggested in Kuan in view of Segawa and Yeung. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, independent claim 1 recites pre-processing image data obtained through preview scanning to automatically determine settings to apply during a subsequent final scan. The claim then recites that the settings obtained during the preview scanning are automatically performed during the subsequent final scan without receiving commands from a user. Kuan does not teach these recitations.

In contrast to claim 1, Kuan teaches a preview scan to show display results to a user. The user can then "indicate which region of the document he or she desires, based on the preview scan results" (see Kuan at paragraph [0035]). Thus, Kuan expressly teaches receiving commands from the user. In other words, the user in Kuan inputs commands after the pre-scan, and these commands are used to perform the final scan. This teaching is in direct contrast to the recitations of claim 1 which recites that the setting obtained during the preview scan are performed during the subsequent final scan without receiving commands from a user. Nowhere does Kuan teach or even suggest that his pre-scan is used to determine settings to apply during the final scan and that these settings are performed during the final scan without receiving commands from a user.

Claim 17 recites that the settings are automatically determined and performed during the final scan without receiving commands from a user. Claim 27 recites that the settings are automatically determined and performed by the final scanning module during

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the final scan without receiving commands from a user. As noted above, Kuan expressly teaches receiving commands from the user. In other words, the user in Kuan inputs commands after the pre-scan, and these commands are used to perform the final scan.

Segawa and Yeung fail to cure the deficiencies of Kuan with regard to independent claims 1, 17, and 27. Thus, the differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

## CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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